

APPLICANT(S): GLUKHOVSKY, Arkady  
SERIAL NO.: 10/808,574  
FILED: March 25, 2004  
Page 6

#### REMARKS

The present response is intended to be fully responsive to all points of objection and/or rejection raised by the Examiner and is believed to place the application in condition for allowance. Favorable reconsideration and allowance of the application is respectfully requested.

Applicants assert that the present invention is new, non-obvious and useful. Prompt consideration and allowance of the claims is respectfully requested.

#### Status of Claims

Claims 1-34 are pending in the application, of which claims 21-34 are withdrawn from consideration.

Claims 1-20 have been rejected.

Claim 11 has been amended in this submission. Applicants respectfully assert that the amendment to the claim does not add any new matter.

Claims 1-10 have been canceled without prejudice or disclaimer. In making this cancellation without prejudice, Applicants reserve all rights in these claims to file divisional and/or continuation patent applications.

#### Remarks to the Title

In the Office Action the Examiner objected to the Title because it is allegedly not descriptive. The Title has been replaced with a new Title that is clearly indicative of the invention to which the claims are directed.

APPLICANT(S): GLUKHOVSKY, Arkady  
SERIAL NO.: 10/808,574  
FILED: March 25, 2004  
Page 7

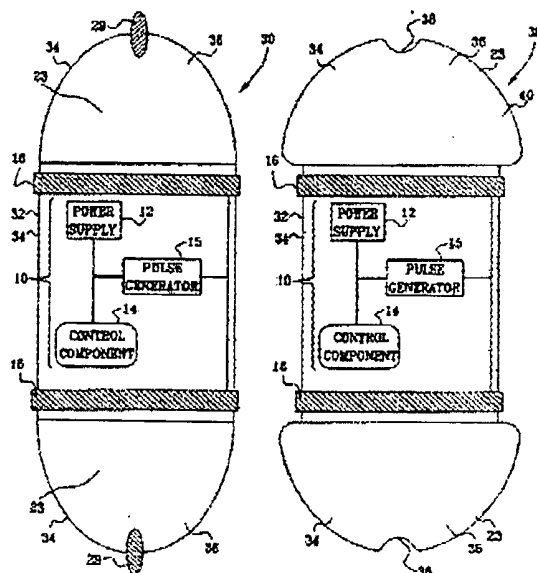
### CLAIM REJECTIONS

#### 35 U.S.C. § 102 Rejections

In the Office Action, the Examiner rejected claims 11-20 under 35 U.S.C. § 102(e), as being anticipated by Gross (2004/0253304). Applicants respectfully traverse this rejection in view of the remarks that follow.

Gross discloses an apparatus for drug administration. Particularly, Gross discloses:

FIGS. 14A and 14B illustrate ingestible, electrically-assisted, drug-delivery system 30 in respective resting and drug-delivery phases thereof, in accordance with an embodiment of the present invention. In this embodiment, drug delivery occurs by osmosis. As a water-soluble plug 29 (FIG. 14A) dissolves, an orifice 38 is opened (FIG. 14B). Uptake of water into drug-dispensing cavity 23 increases the osmotic pressure within the system. The build-up of the osmotic pressure gradient drives the drug through orifice 38 in a controlled manner. (Paragraph [0364])



Gross, Fig. 14A

Gross, Fig. 14B

APPLICANT(S): GLUKHOVSKY, Arkady  
SERIAL NO.: 10/808,574  
FILED: March 25, 2004  
Page 8

Regarding claim 11, as amended, Gross does not teach or suggest "a substantially spherical housing; and a detachable appendage, wherein the housing and the detachable appendage form a capsule shape when joined together", as recited in amended independent claim 11. The Examiner himself indicates in paragraph [11] of the office action that "Gross does not disclose that the housing is spherical". Therefore, Gross cannot anticipate claim 11, as amended. Accordingly, amended independent claim 11 is allowable.

Claims 12-20 depend directly or indirectly from claim 11, and therefore include all the limitations of this claims. At least for this reason claims 12-20 are likewise allowable. Accordingly, Applicants respectfully request that the Examiner withdraw the rejections under 35 U.S.C. § 102(e) over Gross to amended independent claim 11 and to claims 12-20 dependent thereon.

#### 35 U.S.C. § 103 Rejections

In the Office Action, the Examiner rejected claims 1, 2 and 4-10 under 35 U.S.C. § 103(a), as being unpatentable over Gross in view of Crowley. Claims 1, 2 and 4-10 have been canceled without prejudice or disclaimer, thus rendering this rejection moot.

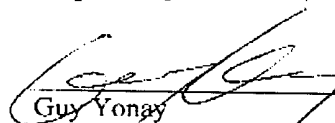
APPLICANT(S): GLUKHOVSKY, Arkady  
SERIAL NO.: 10/808,574  
FILED: March 25, 2004  
Page 9

In view of the foregoing amendments and remarks, the pending claims are deemed to be allowable. Their favorable reconsideration and allowance is respectfully requested.

Should the Examiner have any question or comment as to the form, content or entry of this Amendment, the Examiner is requested to contact the undersigned at the telephone number below. Similarly, if there are any further issues yet to be resolved to advance the prosecution of this application to issue, the Examiner is requested to telephone the undersigned counsel.

Please charge any fees associated with this paper to deposit account No. 50-3355.

Respectfully submitted,



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Dated: March 5, 2007

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